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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,253	06/02/2006	Chiaki Nonaka	112857-543	5762
29175	7590	11/24/2009	EXAMINER	
K&L Gates LLP P. O. BOX 1135 CHICAGO, IL 60690			NGUYEN, LINH THI	
			ART UNIT	PAPER NUMBER
			2627	
			NOTIFICATION DATE	DELIVERY MODE
			11/24/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chicago.patents@klgates.com

Office Action Summary	Application No. 10/595,253	Applicant(s) NONAKA ET AL.	
	Examiner LINH T. NGUYEN	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4 and 6-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4, and 6-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 12, 13, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito (JP Patent Number 2002324381) in view of Osawa (JP Publication Number 2001176189).

In regards to claims 1, 12, 13, 16, and 17, Ito discloses a recording medium managing apparatus comprising: recording medium readout means for reading out recording information from a first area on a loaded recording medium (Paragraph [0018], ID signal is read meaning it is recorded); identification information supplying means for supplying identification information (Paragraph [0020], user will enter the ID); and management information storing means for storing management information linking identification information recorded in the second area and attribute information for content items of the recording medium recording the identification information (Fig. 2, and Paragraph [0015]-[0017]), wherein the recording medium readout means updates management information of the management information storing means by reading out the identification information from the second area and reading out the attribute information from a third area on the recording medium when the recording information indicates that the second area is used for recording (Paragraph [0023]; if the

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ID is identified the control will update the management table); menu generating means (display) for generating a menu displaying the disk identification information (Fig. 2 and Paragraph [0026]) and corresponding attribute information of content items of the loaded recording medium and previously loaded recording mediums based on the management information stored in the management information storing means (Paragraphs [0024]-[0026]), wherein the identification information supplying means includes character string inputting means for inputting arbitrary character strings, and at least part of the identification information includes an arbitrary character string input by the character string inputting means (Paragraph [0019]). However, Ito does not disclose a recording medium writing means for prohibiting writing the identification information in a second area on the recording medium when first recording information indicates that the second area is used for recording and for writing the identification information in the second area and writing second recording information indicating that the second area is used for recording in the first area when the first recording information indicates that the second area is not used for recording.

In the same field of endeavor, Osawa discloses a recording medium writing means for prohibiting writing the identification information in a second area on the recording medium when first recording information indicates that the second area is used for recording (Fig. 8, step 51 and 59; Paragraph [0088]) and for writing the identification information in the second area and writing second recording information indicating that the second area is used for recording in the first area when the first recording information indicates that the second area is not used for recording (Fig. 8,

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Steps 51 and 52; Paragraph [0099]). At the time of the invention it would have been obvious to a person of ordinary skill to combine the recording medium management apparatus of Ito to prohibit the writing of ID information if one is already recorded as suggested by Osawa. The motivation for doing so would have been to prevent illegal copying on the medium.

In regards to claim 2, Ito discloses the recording medium managing apparatus, wherein, the identification information supplying means (Fig. 1, element 3) includes apparatus information storing means (Fig. 1, element 2) for storing apparatus information unique to the recording medium managing apparatus (Fig. 1, element 1) and counting means for generating a unique serial number at the recording medium managing apparatus (Paragraph [0016]), and at least part of the identification information includes the apparatus information and the serial number (Fig. 2a/b).

In regards to claim 4, Ito discloses the recording medium managing apparatus according to claim 1, wherein, the third area on the recording medium stores an index file including the attribute information (Fig. 2b), and the recording medium readout means reads out the attribute information from the index file and updates the management information of the management information storing means (Paragraph [0017]).

In regards to claim 6, Ito discloses the recording medium managing apparatus according to claim 5, further comprising: character string inputting means for inputting a predetermined character string; and name conversion information storing means for storing name conversion information linking the identification information and a character string input by the character string inputting means (Paragraphs [0015]-[0017]), wherein, the recording medium writing means updates the name conversion information of the name conversion information storing means when writing the identification information in the second area (Fig. 2a/b), and the menu generating means displays a character string together with the attribute information, the character string being linked to the identification information of the recording medium by the name conversion information (Fig. 1, element 3).

In regards to claim 7, Ito discloses the recording medium managing apparatus according to claim 5, further comprising: instruction inputting means for assigning the content item to be played using the menu, wherein the recording medium readout means reads out the content item if the recording medium storing the assigned content item is loaded (Paragraph [0008]).

Claims 8-11, 14, 15, 18 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Ito and Osawa as applied to claim 1 above, and further in view of Mikawa (US Publication 20020097645).

In regards to claim 8, Ito and Osawa disclose everything claimed on claim 7. However Ito and Osawa do not but Mikawa discloses the recording medium managing apparatus according to claim 7, further comprising: network connecting means for communicating with a network connecting another recording medium managing apparatus (Fig. 4, apparatus 100 and 400 is connected by I/O interface), wherein, if the recording medium storing the assigned content items is not loaded, the recording medium readout means inquires the other recording medium managing apparatus through the network connecting means whether or not the recording medium is loaded (Fig. 3) and, if the recording medium is loaded into the other recording medium managing apparatus, the recording medium readout means requests the transmission of the assigned content item (Fig. 3, step 317 the file is update). At the time of the invention it would have been obvious to a person of ordinary skill in the art to combine the apparatus of Ito and Osawa to have a network means and readout means as suggested by Mikawa. The motivation would have been to easily retrieve the content on the disk.

In regards to claims 9 and 15, Ito and Osawa do not but Mikawa discloses the recording medium managing apparatus according to claim 1, further comprising: content-supplying means for supplying a content item; suspended-content-storing means for storing a content item suspended from being written in a recording medium (Fig. 4, element 409); and suspension information storing means for storing suspension information linking identification information of a recording medium that is the recording destination of the suspended content item and attribute information of the suspended

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content item (Paragraph [0085]), wherein, if the recording medium that is the recording destination of the content item supplied from the content-supplying means is not loaded, the recording medium writing means stores the supplied content item in the suspended-content-storing means and updates the suspension information of the suspension information storing means (Paragraph [0086]). The motivation is the same as claim 8 above.

In regards to claims 10 and 14, Ito and Osawa do not but Mikawa discloses the recording medium managing apparatus according to claim 9, wherein the recording medium readout means detects suspension information including the identification information read out from the second area from the suspension information storing means (Fig. 4, element 411), and the recording medium writing means records the suspended content item stored in the suspended-content-storing means on the recording medium on the basis of the attribute information included in the detected suspension information and updates the management information of the management information storing means (Paragraphs [0096]-[0099]). The motivation is the same as claim 8 above.

In regards to claim 11, Ito and Osawa do not but Mikawa discloses the recording medium managing apparatus according to claim 10, further comprising: network connecting means for communicating with a network connecting another recording medium managing apparatus (Fig. 4, elements 100 and 400), wherein the recording medium readout means inquires the other recording medium managing apparatus through the network connecting means whether or not the other recording medium

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managing apparatus stores the suspension information including the identification information read out from the second area (Fig. 4, element 409) and, if the suspension information is stored in the other recording medium managing apparatus (Paragraph [0093]), requests the transmission of the suspended content item related to the suspension information to the other recording medium managing apparatus, and the recording medium writing means records the suspended content item transmitted from the other recording medium managing apparatus or the recording medium and updates the management information of the management information storing means (Paragraphs [0097]-[0099]). The motivation is the same as claim 8 above.

In regards to claim 18, Ito and Osawa do not but Mikawa discloses the recording medium managing apparatus according to claim 1, further comprising: inputting means for assigning a column pertaining to a type of item using the menu, wherein the content items in the menu are sorted by order according to the specified column (Figs. 6 and 7 has one column listed in that particular order). The motivation is the same as claim 8 above.

In regards to claim 19, Ito and Osawa do not but Mikawa discloses the recording medium managing apparatus according to claim 1, further comprising: inputting means for assigning a search criteria for a type of item using the menu, wherein only the content items meeting the search criteria are displayed (Fig. 2, element 203 and Fig. 3, steps S307, S309 and S311). The motivation is the same as claim 8 above.

Response to Arguments

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Applicant's arguments, see page 12, filed 7/13/09, with respect to Osawa have been fully considered and are persuasive. However, Ito discloses the identification information supplying means for supplying identification information wherein the identification information supplying means included character string inputting means for inputting arbitrary character string (Paragraph [0019], if the identification does not exist a user will manual entry (via keyboard) the ID in disk#).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH T. NGUYEN whose telephone number is (571)272-5513. The examiner can normally be reached on 10:00am-7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN

November 17, 2009

/Wayne Young/

Supervisory Patent Examiner, Art Unit 2627